

REMARKS

Applicant hereby responds to the Office Action mailed June 17, 2004 and requests reconsideration and allowance of this application in view of the foregoing amendment and the following remarks.

Applicant respectfully traverses the Section 102 rejection of independent claim 1 over Brown et al. US Patent No. 6,067,855 ("Brown").

Claim 1 is amended to recite a float external to the tank that produces a magnetic field that rises and falls with the level of liquid in the tank. The Brown patent has an internal float and is explicitly directed to the problems that arise with an internal float. Thus, the terms of claim 1 are not met and claim 1 is allowable.

Applicant respectfully traverses the Section 102 rejection of dependent claim 3 over Brown et al. US Patent No. 6,067,855 ("Brown"). Claim 3 specifies additionally a remote readout that is electrically connected with the plurality of switches for indicating remotely from the tank the level of liquid in the tank. This structure is not, contrary to the Section 102 rejection of this claim, found in Brown.

Specifically, the rejection reads: "Re to claim 3, as depicted in Fig. 5, Brown et al. discloses a remote readout (e.g., computer 60)." Brown's remote readout is not, however, used together with a visible indicator at the tank. As noted in Brown at column 7, lines 51+, "The Fig. 5 embodiment is similar to the Fig. 2 embodiment, but the Fig. 5 embodiment does not includes indicators, such as LED's, in sensor strip 30." (emphasis added). Thus, the Brown reference specifically does not show a combination as set forth in claim 3 of a visible indicator and a remote readout. In order to anticipate, the elements must be arranged as required by the claim. M.P.E.P. Section 2131. Brown thus does not meet the requirements of a Section 102 bar to patentability of claim 3,

Applicant respectfully traverses the Section 103 rejection of claim 5 over Brown. The rejection states that the "detail of a second column of lights forming a pair with the first column of lights" is a "duplication of components" that is a design consideration clearly in the purview of one of ordinary skill in the art. Applicant respectfully disagrees.

Claim 5 specifically states that “in each pair of two lights one of said first and second lights being on and the other one of said first and second lights being off depending on the state of said switch associated with said row of two lights”.

First, this specific limitation of claim 5 is not addressed in the rejection, and so the rejection is improper in this regard.

Second, this limitation is not merely “duplication” of one column of lights. Rather, the claim states that “in each pair of two lights one of said first and second lights being on and the other one of said first and second lights being off depending on the state of said switch associated with said row of two lights”. This is not mere duplication. The two columns of lights are operated differently from each other so that one is one while the other is off, and vice versa. This structure is very clearly not shown in Brown. Therefore, the rejection is improper on the merits.

Nor is this subject matter inherent in or suggested by Brown, as Brown considers nothing beyond the single disclosed embodiment. Applicant thus finds no inherency in Brown of the subject matter of claim 5, and no apparent motivation to provide it. In addition, the other cited references do not teach or suggest this subject matter of claim 5 that is not found in Brown.

For the foregoing reasons, it is respectfully submitted that the rejection of claim 5 is improper and should be withdrawn.

Applicant respectfully traverses the Section 102 rejection of independent claim 11 over Brown. The elements of claim 11 are not all present and arranged as in the claim, in Brown. For these reasons, the Brown patent is not a Section 102 bar to allowability of claim 11. Therefore, the rejection of claim 11 is incorrect, and should be withdrawn.

Independent claim 16 as amended specifies that each row of LED's has at least two LED's. This structure is not found in or suggested by Brown or any of the other references. Therefore, claim 16 is allowable.

Independent claim 19 as amended specifies moving a magnetic field external to the tank. The Brown patent has an internal magnet, as discussed above with reference to claim 1. Thus, the terms of claim 19 are not met and claim 19 is allowable.

New claims 22-33 are presented and are believed to be patentable over the cited references.

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In view of the foregoing, applicant submits that this application is now in condition for allowance, and notice to that effect is respectfully requested.

Respectfully submitted,

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By: Paul E. Szabo
Paul E. Szabo, Reg. No. 30,429
(216) 622-8578
Customer No. 24024